

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:23-CV-24350-GAYLES/LOUIS

LAGUNITAS BREWING COMPANY dba)
CERVECERIA LA TROPICAL, and)
LA TROPICAL HOLDINGS B.V.,)
)
Plaintiffs,)
)
v.)
)
SOLTURA, LLC dba BUCANERO USA,)
)
Defendant.)
_____)

JOINT SCHEDULING REPORT

Plaintiffs, Lagunitas Brewing Company d/b/a Cerveceria La Tropical and La Tropical Holdings B.V (“Plaintiffs”), and Defendant, Soltura, LLC d/b/a Bucanero USA (“Soltura” or “Defendant”), through their respective undersigned counsel, and pursuant to the Court’s Order certify that they met and conferred in good faith about all matters required by that Order as follows:

(A) The likelihood of settlement:

The Parties discussed settlement earlier this year but were unable to reach a resolution. Soltura then filed suit in the U.S. District Court for the Southern District of California, which was dismissed for improper venue. There have been no further settlement discussions to date. The Parties agree to explore the possibility of settlement at the appropriate time.

(B) The likelihood of appearance in the action of additional parties:

The Parties do not currently anticipate the appearance of additional parties to this litigation

(C) Proposed time limits

See below for the Parties' proposed schedule. The Parties believe that this case should proceed on a standard case track (as defined in Local Rule 16.1(a)(2)(B)) and propose a standard track schedule below.

Deadline	Proposed Deadline
Deadline to serve Initial Disclosures	3/22/24
Deadline to join additional parties or to amend pleadings.	3/29/24
Deadline to file joint interim status report.	3/29/24
Deadline to file Proposed Order Scheduling Mediation, setting forth the name of the mediator, and the date, time, and location of the mediation, consistent with the Order of Referral to Mediation (which immediately follows this scheduling order).	4/14/24
Deadline to complete all fact discovery. Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition.	7/1/24
Deadline to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2). Rebuttal disclosures are permitted and must conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(D)(ii).	8/1/24

Deadline to complete mediation, consistent with	8/2/24
the Order of Referral to Mediation (which immediately follows this scheduling order).	
Deadline to complete all expert discovery.	9/20/24
Deadline for the filing of dispositive motions and pretrial motions, including motions in limine and <i>Daubert</i> motions.	10/4/24
Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3).	11/8/24
Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).	11/19/24
One-week trial period commences (calendar call will be scheduled on the Tuesday before the trial period)	12/9/24

(D) Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses, and the number and timing of motions for summary judgment or partial summary judgment:

The Parties will work in good faith to narrow and simplify the issues for trial and to eliminate any frivolous claims or defenses. The Parties anticipate filing motions for summary judgment after the completion of expert discovery.

(E) The necessity or desirability of amendments to the pleadings:

Plaintiffs reserve the right to amend the pleadings up to the deadline for doing so, and thereafter, upon a motion for good cause.

(F) The possibility of obtaining admissions of fact and of documents, electronically stored information or things which will avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the

need for advance rulings from the Court on admissibility of evidence:

The Parties agree to meet and confer in good faith to reach agreement on the admissibility and authenticity of party documents. The Parties are currently unable to evaluate other possibilities for admissions, but will cooperate in good faith to better evaluate such possibilities during and after discovery. The Parties will further cooperate in good faith to agree on a protocol for electronic discovery and finalize that protocol by January 19, 2024.

(G) Suggestions for the avoidance of unnecessary proof and of cumulative evidence:

The Parties agree to work together in good faith to streamline the issues in dispute and to avoid unnecessary proof and cumulative evidence.

(H) Suggestions on the advisability of referring matters to a Magistrate Judge or master:

The Parties are willing to consent to the jurisdiction of Magistrate Judge Louis to resolve and adjudicate all discovery motions.

(I) A preliminary estimate of the time required for trial:

The Parties estimate that the trial will take 5 court days.

(J) Requested date or dates for conferences before trial, a final pretrial conference, and trial:

The Parties' proposed schedule, includes proposed dates for conferences, the final pretrial conference, and trial.

(K) Any issues about:

(i) disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

(ii) claims of privilege or of protection as trial-preparation materials, including - - if the parties agree on a procedure to assert those claims after production -- whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502:

(iii) when the parties have agreed to use the ESI Checklist available on the Court's website (www.flsd.uscourts.gov), matters enumerated on the ESI Checklist:

The Parties will confer with one another on these subjects in an effort to resolve them without involving the Court. The Parties anticipate a need for a confidentiality and protective order that will govern the exchange of any sensitive, commercial information during the course of discovery.

The Parties do not anticipate departing from the Federal or Local Rules regarding discovery, and anticipate primarily engaging in discovery and the exchange of documents electronically.

(L) Any other information that might be helpful to the Court in setting the case for status or pretrial conference:

The Parties are not aware of any such information at this time.

Respectfully submitted, this 22nd day of December, 2023.

/s/Mark A. Salky

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